

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES

March 8, 2005

Chairman R. Hilt called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: C. Kufta, R. Hilt, E. Fordham, J. Clingman-Scott, B. Larson,
J. Wallace, S. Brock

MEMBERS ABSENT: None

STAFF PRESENT: M. Cameron, H. Griffith, D. Leafers, L. Anguilm

OTHERS PRESENT: J. Williams, 1482 Morgan

ELECTION OF OFFICERS

A motion to nominate R. Hilt as Chairman was made by B. Larson, supported by J. Clingman-Scott and unanimously approved.

A motion to nominate C. Kufta for Vice-Chair was made by B. Larson, with C. Kufta declining the nomination.

A motion to nominate E. Fordham for Vice-Chair was made by B. Larson, supported by J. Clingman-Scott and unanimously approved.

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of January 11, 2005 be approved was made by C. Kufta, supported by E. Fordham and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2005-003: Variance request from Section 2319: Residential Design Criteria, to allow garage doors to exceed 50% of the front face of the structure at 860 Marquette Ave. by James Williams. M. Cameron presented the staff report. Commission members were provided with an excerpt of the residential design criteria. 1) The subject property is located on the North side of Marquette Avenue just east of Getty Street. There are residential uses to the east with business uses on the opposite side of Marquette from the subject property. The properties directly north and west are currently vacant land. 2) Zoning of the property to the west and north is R-1, with RM-1 to the east. Zoning is B-2 to the south across Marquette. 3) The property is currently vacant with site work beginning, as weather permits, for construction of four multi-

family structures that received Planning Commission approval on February 10, 2005. 4) The plans currently provided have been substantially changed from those previously submitted for review. The applicant had previously proposed 10 multi-family buildings on the site and now has reduced the number to four buildings with different floor plans than those previously submitted. 5) Applicant has provided a set of current plans for review. Each building will house six living units with a driveway and garage for each unit. 6) Each proposed structure is 100 feet long. 7) Each garage door measures nine feet in length for a total of fifty-four linear feet of door frontage. This is four feet over the fifty percent that is allowed. 8) All structures are proposed to have the face with garage doors oriented to the center of the development, not towards Marquette Avenue. 9) Staff has not received any public comments.

J. Clingman-Scott asked if there was a site plan to review. M. Cameron stated there was and provided a drawing. C. Kufta asked if “frontage” refers to where the main door is. M. Cameron stated yes. E. Fordham asked if the previous proposal submitted by the applicant required a variance also, and to which board. M. Cameron stated the site plan went before the Planning Commission and was approved. He also stated the ZBA previously heard a case on this property regarding storage space, not the garage doors. J. Clingman-Scott asked if this case has to go back to the Planning Commission. M. Cameron said no. B. Larson asked if the reason that the doors were over fifty percent of the frontage was due to the building being multi-family. M. Cameron said he’s seen a few plans where this is the case, but this was the first variance he’s aware of. J. Clingman-Scott asked if there was an approved landscape plan. M. Cameron stated there was and provided the plan. Mr. Williams stated that the reason for the larger garage doors was to make it easier for the tenants to get in and out of their garages. If his request is denied he’d have to reduce the garage door size and he’s concerned there won’t be enough room. He stated that aesthetically, the larger doors wouldn’t affect the view from the street because the garages do not face the street. B. Larson asked how long J. Williams had been working on this project. J. Williams stated he wasn’t able to get all the land he wanted so he had to change his plans. Now there’s more green space, less buildings, and less concrete. B. Larson asked what the fifty-four percent frontage equaled in feet. J. Williams stated it was fifty-four feet. S. Brock asked what would happen if the plans changed again and the doors were to face the street. J. Williams stated he couldn’t change plans without getting approval from the appropriate boards again.

A motion to close the public hearing was made by B. Larson, supported by C. Kufta and unanimously approved.

C. Kufta stated that the tenants would be better served with the larger doors. E. Fordham agreed with J. Williams’ assertion that an eight-foot garage door isn’t sufficient.

The following findings of fact were offered: There are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district. Such dimensional variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity. The authorizing of such dimensional variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this chapter or the public interest. The alleged difficulty is caused by the Ordinance and has not been created by any

person presently having an interest in the property, or by any previous owner. The alleged difficulty is not founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner. The requested variance is the minimum action required to eliminate the difficulty.

A motion that the variance to allow six nine-foot garage doors as shown on the submitted plans for 860 Marquette Avenue be approved based on the findings of fact, with the following conditions: 1) the variance is recorded with the deed to keep record of it in the future, and 2) that the addition to the property must be complete within one year or the variance is void, was made by C. Kufta, supported by B. Larson and unanimously approved.

Hearing, Case 2005-004: Variance request from the residential design standards to allow multi-family homes to be built that would have less than the required 15% of interior living space dedicated to storage at 860 Marquette Ave. by James Williams. M. Cameron presented the staff report. Commission members were provided with an excerpt of the residential design criteria. 1) The subject property is located on the north side of Marquette Avenue just east of Getty Street. There are residential uses to the east with business uses on the opposite side of Marquette from the subject property. The properties directly north and west are currently vacant land. 2) Zoning of the property to the west and north is R-1, with RM-1 to the east. Zoning is B-2 to the south across Marquette. 3) The property is currently vacant with site work beginning as weather permits, for construction of four multi-family structures that received Planning Commission approval on February 10, 2005. 4) The Planning Commission has approved a change to the Zoning Ordinance to reduce the storage requirement to ten percent for multi-family structures. The City Commission approved the change at the February 22nd Commission meeting, but the ordinance will require a second reading and vote at the March 8th Commission meeting. 5) The applicant had been granted a variance from the storage requirements at the November 2004 Zoning Board of Appeals meeting but the variance was for the designs submitted at that time and cannot be applied to the new plans due to significant changes in floor plans. 6) The applicant had previously proposed ten multi-family buildings on the site and now has reduced the number of buildings to four, with different floor plans than those previously submitted. 7) Applicant has provided new sets of plans for review: four single-floor units and two multi-floor units will be in each structure. 8) The plans for the single-floor version labeled “B Unit” contain storage at ten percent of the livable space. 9) The plans for the single-floor version labeled “C Unit” contain storage at ten percent of the livable space. 10) The plans for the two-floor versions labeled “A Unit” have two different floor plans: the three-bedroom “A Unit” has six percent storage and the two-bedroom “A Unit” has nine percent storage. 11) Staff has not received any public comments.

B. Larson asked if only the six percent and nine percent “A Units” were in question. M. Cameron stated yes. The structures with ten percent storage would be in compliance, pending the second reading of the ordinance at the City Commission meeting following the ZBA meeting. He explained that J. Williams is pressed for time, which is why this issue is coming before the ZBA prior to the second reading. J. Williams presented the drawings of the units. He stated there was ample storage, but that it wasn’t all interior. He asked what the “fifteen percent” requirement was based on. M. Cameron stated it was fifteen percent of the livable space of the unit and explained how this is determined. J. Williams stated this is transitional housing so the storage is

ample, and if the occupants outgrow it, they move. He stated each unit has a nice-sized garage, coat closet, pantry, shelves in the laundry area, closets in the bedrooms and some storage on the outdoor deck. B. Larson asked why they had no basement. J. Williams stated mainly due to cost.

A motion to close the public hearing was made by B. Larson, supported by S. Brock and unanimously approved.

B. Larson stated this project would be an asset to the growing Marquette area.

The following findings of fact were offered: There are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district. Such dimensional variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity. The authorizing of such dimensional variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this chapter or the public interest. The alleged difficulty is caused by the Ordinance and has not been created by any person presently having an interest in the property, or by any previous owner. The alleged difficulty is not founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner. The requested variance is the minimum action required to eliminate the difficulty.

A motion that the variance to construct the proposed multifamily units with storage space under 15%, as shown on the submitted plans for 860 Marquette Avenue, be approved, based on the findings of fact with the following conditions attached: 1) the variance is recorded with the deed to keep record of it in the future, and 2) the addition to the property must be complete within one year or the variance is void, was made by B. Larson, supported by C. Kufta and unanimously approved.

OTHER

M. Cameron advised the Commissioners new to the Board that there was an upcoming class at Muskegon Community College on Basic Planning and Zoning to be held March 29 if they're interested.

There being no further business, the meeting was adjourned at 4:26pm

dml
3/08/05